

Morgan Lewis

Chelsea L. Conanan

Associate

212.309.6326

Chelsea.Conanan@morganlewis.com

May 6, 2020

VIA ECF

The Honorable Paul A. Engelmayer, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1305
New York, New York 10007

Re: ***Jacquelyn Musiello v. CBS Corporation et al., 20-CV-02569 (PAE) (JLC)***

Dear Judge Engelmayer:

We represent Defendants Entercom Communications Corp. (“Entercom”), CBS Corporation n/k/a ViacomCBS Inc. (for ease of reference only, “CBS Corporation”), CBS Radio Inc. n/k/a Entercom Media Corp. (for ease of reference only, “CBS Radio”), CBS Sports Radio Network Inc. n/k/a Entercom Sports Radio, LLC (for ease of reference only, “CBS Sports Radio”), Margaret Marion, and Dan Taylor (collectively “Defendants”) in the above-referenced action. We write in response to Plaintiff’s May 1, 2020 letter (Dkt. No. 21) requesting a “discovery conference.” For the reasons set forth below, we respectfully submit that the conference is not necessary, and that Plaintiff’s request should be denied.

There is no discovery dispute for Your Honor’s consideration. In fact, the parties have neither exchanged discovery requests nor engaged in any other discovery in this matter to date. The only dispute at this juncture concerns Plaintiff’s informal request for certain employee data related to Defendants’ removal of this action pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d) (“CAFA”). Specifically, Plaintiff seeks a “copy of the employee data specified by Mr. Dash” as set forth in Defendants’ removal papers and supporting declaration, and suggests that the Court should order jurisdictional discovery. Dkt. No. 21 at p. 2.¹

In an effort to avoid unnecessary and costly motion practice, Defendants will produce to Plaintiff’s counsel an anonymized version of the employee data referenced in their removal papers. The data

¹ Plaintiff’s counsel first requested the data from defense counsel on April 22, 2020, approximately four weeks after the case was removed to this Court. Defense counsel indicated that they would confer with their respective clients regarding counsel’s request, but they were not in a position to respond within two days. On April 24, 2020, Plaintiff filed a Motion to Remand the case to state court. Dkt. No. 15.

Morgan, Lewis & Bockius LLP

101 Park Avenue
New York, NY 10178-0060
United States

📞 +1.212.309.6000
📠 +1.212.309.6001

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contains employee ID numbers, last known addresses, and work locations for female employees who worked for CBS Radio Inc. and/or Entercom from February 14, 2017 to the present. Defendants are currently working to export this data from its various human resources information systems and will produce such data to Plaintiff's counsel by May 13, 2020.

The data that Defendants will be producing to Plaintiff is material to the parties' analysis of this Court's federal jurisdiction under CAFA. Accordingly, Defendants respectfully request a brief extension of time to respond to Plaintiff's Motion to Remand, from May 8, 2020 to May 15, 2020. To the extent Plaintiff supplements her Motion to Remand following counsel's receipt of the underlying employee data (and to the extent the Court permits Plaintiff to do so), Plaintiff's counsel has agreed to notify defense counsel prior to May 15, 2020. This is Defendants' first request for an extension of time to respond to Plaintiff's Motion to Remand. Plaintiff's counsel consents to Defendants' proposal as outlined above.

Accordingly, Defendants respectfully request that the Court deny Plaintiff's request for a discovery conference and grant Defendants' request for a brief extension of the deadline to respond to Plaintiff's Motion to Remand until May 15, 2020.

Thank you for Your Honor's time and consideration.

Dated: May 6, 2020
New York, New York

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Chelsea L. Conanan
Chelsea L. Conanan
Liliya P. Kramer
101 Park Avenue
New York, NY 10178-0060
Tel.: (212) 309-6000
Fax: (212) 309-6001
Chelsea.Conanan@morganlewis.com
Liliya.Kramer@morganlewis.com

Michael L. Banks (*pro hac vice* application forthcoming)
W. John Lee (*pro hac vice* application forthcoming)
1701 Market Street
Philadelphia, PA 19103
Tel.: (215) 963-5000
Fax: (215) 963-5001
Michael.Banks@morganlewis.com
W.John.Lee@morganlewis.com

Attorneys for Defendants CBS Corporation, CBS Radio Inc., CBS Sports Radio Network Inc., Entercom Communications Corp., Margaret Marion,

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and Dan Taylor

cc: Donna H. Clancy, Esq., *Counsel for Plaintiff* (by ECF)

The Court thanks counsel for this update and is pleased to hear that defendants will voluntarily produce the relevant data to plaintiff. In light of this development, plaintiff's motion for a conference, Dkt. 21, is denied without prejudice as moot.

Defendants' consented-to motion for an extension of time until May 15, 2020 to respond the motion to remand is granted. SO ORDERED.



PAUL A. ENGELMAYER 5/7/2020
United States District Judge